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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re
PG&E CORPORATION,
-and-
PACIFIC GAS & ELECTRIC COMPANY,
Debtors

- Affects PG&E Corporation
 - Affects Pacific Gas and Electric Company
 - Affects both Debtors

| Case No. 19-30088

(Jointly Administered)

| Chapter 11

**LIMITED JOINDER OF
WILDFIRE CLASS
CLAIMANTS TO OBJECTION
OF CERTAIN INTERESTED
PARTIES TO DEBTORS' BAR
DATE MOTION**

Date: June 26, 2019
Time: 9:30 a.m. (Pacific Time)
Place: U.S. Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 Creditors Kevin Burnett, Leslie Moore, Darwin Crabtree, Sandra Crabtree, Joseph
2 Garfield, Robert Eldridge, Benjamin Greenwald d/b/a Greenwald Pest Defense, individually and
3 on behalf of all others similarly situated; Lore Olds d/b/a Sky Vineyards, Skyla Olds, Nancy
4 Hitchcock, Herman Bossano, Rebecca Bailey, Ph.D. d/b/a It's Mine Don't Touch Trust and
5 Transitioning Families, and Charles Holmes, individually and on behalf of all others similarly
6 situated; Jeanette Smylie, individually and on behalf of all others similarly situated; and GER
7 Hospitality, LLC, individually and on behalf of all others similarly situated; William N. Steel,
8 individually and on behalf of all others similarly situated; and Karen Roberds and Anita
9 Freeman, individually and on behalf of all others similarly situated (collectively, "Wildfire Class
10 Claimants") hereby join Argument Section III (titled "The Debtors Seek to Prematurely and
11 Improperly Eviscerate Class Protections That Might Otherwise Protect Wildfire Claimants") of
12 the *Objection to Motion of Debtors Pursuant to 11 U.S.C. §§ 502(b)(9) and 105(a), Fed. R.*
13 *Bankr. P. 2002, 2003(c)(3), 5005, and 9007, and L.B.R. 3003-1 for Order (i) Establishing Filing*
14 *Deadline for Filing Proofs of Claim, (ii) Establishing the Form and Manner of Notice Thereof,*
15 *and (iii) Approving Procedures for Providing Notice of Bar Date and Other Information to All*
16 *Creditors and Potential Creditors* (the "Objection") filed by David Herndon, Julia Herndon,
17 Gabriell Herndon, Jедidiah Herndon, Estefania Miranda, Steven Jones, Gabriella's Eatery, Chico
18 Rent-a-Fence, and Ponderosa Pest & Weed Control (collectively, "Objectors") [Dkt. No. 2240],
19 and state as follows.

20 **Limited Joinder**

21 Wildfire Class Claimants are individuals and businesses who suffered financial and/or
22 property damage as a result of wildfires caused by the Debtors' failing and improperly maintained
23 electrical equipment, including the 2017 North Bay Fires and the 2018 Camp Fire. Before the
24 Debtors filed for bankruptcy, Wildfire Class Claimants filed class action lawsuits against the
25 Debtors in state court, seeking to recover damages on behalf of themselves and others harmed by
26 the wildfires. When the Debtors filed bankruptcy, their state court proceedings were stayed
27 pursuant to 11 U.S.C. § 362. In order to preserve their claims, Wildfire Class Claimants filed
28 proofs of claim in the bankruptcy proceedings shortly after Debtors commenced their filing.

1 Wildfire Class Claimants are therefore “creditors” within the meaning of the Bankruptcy Code,
2 11 U.S.C. § 101(10), and this Court has jurisdiction over their claims. 28 U.S.C. § 1334(a).

3 Wildfire Class Claimants have filed a total of six proofs of claim in this proceeding on
4 behalf of putative classes of individuals and businesses harmed by the 2017 North Bay and 2018
5 Camp Fires. In fact, their proofs of claim are among the first lodged in the bankruptcy case’s
6 claims register. *See* Northern District of California Claims Register, No. 19-30088 PG&E
7 Corporation, Claim Nos. 1-1 (Kevin Burnett et al.), 2-1 (Lore Olds, d/b/a Sky Vineyards et al.),
8 3-1 (Jeanette Smylie), 4-2 (GER Hospitality, LLC), 6-2 (William N. Steel), 8-2 (Karen Roberds
9 and Anita Freeman). Each proof of claim incorporated and attached a copy of the prepetition class
10 action complaint that had been filed in state court before the automatic stay took effect.

11 In the Objection, Objectors express their concern that certain language contained in
12 Debtors’ Bar Date Motion and Proposed Order represent an attempt to “preempt the use of class
13 proofs of claim” and, if included in the Court’s ultimate order, risk “having the practical effect of
14 barring class proofs of claim in this bankruptcy.” Objection at 12-13. Wildfire Class Claimants
15 believe the Court will preserve the possibility of using class proofs of claim at an appropriate
16 time. Nevertheless, out of an abundance of caution and to avoid leaving the matter unaddressed,
17 Wildfire Class Claimants join that portion of the Objection and respectfully request that the Court
18 not issue an order at this time that would limit possible future use of class mechanisms.

19 As the Ninth Circuit has recognized, the bankruptcy code permits the use of class proofs
20 of claim. *In re Birting Fisheries, Inc.*, 92 F.3d 939 (9th Cir. 1996). The tort claims of those
21 impacted by the 2017 North Bay and 2018 Camp Wildfires represent a substantial component of
22 this bankruptcy, involving as many as tens or hundreds of thousands of claimants who have
23 collectively suffered tens of billions of dollars in damages. Reaching those claimants, enabling
24 them to engage with the claim submission process, and ultimately resolving their claims will be a
25 substantial undertaking, and is one that is in its relatively early stages. Today, there are pending
26 motions to adopt a proof of claim form, set a bar date, and implement a notice plan to reach
27 potential claimants and inform them of their rights. There is no way to know at this time how
28 many of those affected by the wildfires will ultimately submit proofs of claim before the bar date,

1 or what the total value of submitted claims will be. The usefulness and appropriateness of the
2 class proofs of claims in this case may well depend on answers to these and other questions, and
3 the Court need not decide whether to allow class proofs of claim to proceed while all those
4 variables remain unknown. Additionally, the question of whether to allow the use of class proofs
5 of claim has not yet been properly presented to the Court and is not ripe for adjudication. If and
6 when the issue arises, Wildfire Class Claimants would like the opportunity to fully brief and be
7 heard on it.

Conclusion

9 Accordingly, Wildfire Class Claimants submit this limited joinder and respectfully request
10 that the Court refrain from issuing a decision at this juncture that would limit the possible use of
11 class proofs of claim at an appropriate future time in the bankruptcy proceedings.

Respectfully submitted,

Dated: June 24, 2019

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SIGNATURE ATTESTATION

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/s) within this e-filed document.

/s/ Elizabeth J. Cabraser